

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TAULTUNLEASHED, L.L.C., a Texas  
Limited Liability Company,

Plaintiff,

v.

INTERNET VENTURES & HOLDINGS,  
L.L.C, a Tennessee Limited Liability  
Company; HOOKED ON GAMING L.L.C., a  
New Jersey Limited Liability Company;  
STEPHEN RICCIARDI, an individual; JOEY  
MONTEFOUR, an individual; JOE FOX, an  
individual; ERIC LAM, an individual; and  
JOHN DOES ONE (1) THROUGH TEN  
(10),

Defendants.

Case No.06-5673 RBL

ORDER DENYING MOTION FOR  
ENTRY OF DEFAULT AGAINST  
DEFENDANT JOEY MONTEFOUR (A  
MINOR)

This matter comes before the court on Plaintiff's Motion for Entry of Default Against Defendant Joey Montefour, a minor, Dkt. # 15. Plaintiff argues that because Montefour has not appeared or otherwise responded to the Complaint within the time allowed, it is entitled to a default judgment pursuant to Federal Rule of Civil Procedure 55. Plaintiff claims to have served Montefour by serving his father, Joseph Montefour, at his house on December 5, 2006.

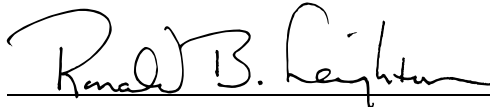
Federal Rule of Civil Procedure 55 provides, in part,

*In all other cases the party entitled to a judgment by default shall apply to the court therefor; but no judgment by default shall be entered against an infant or incompetent person unless represented in the action by a general guardian, committee, conservator, or other such representative who has appeared therein.*

1 Fed. R. Civ. P. 55(b)(2) (emphasis added).

2 Plaintiffs admit that Defendant Montefour is a minor, and Plaintiff has provided no evidence that  
3 Montefour is represented by a general guardian, committee, conservator, or other representative. No one  
4 has appeared or responded on Montefour's behalf since Plaintiff filed suit. Because the text of Rule 55  
5 plainly requires that a minor be represented by a general guardian, committee, conservator, or other  
6 representative before the Court can enter a default judgment, Plaintiff's Motion is DENIED.  
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8 DATED this 8<sup>th</sup> day of May 2007.  
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11 RONALD B. LEIGHTON  
12 UNITED STATES DISTRICT JUDGE  
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